

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Cr. No. 08-10009-JLT |
| |) | |
| JOSEPH PROCHILO, |) | |
| Defendant. |) | |

GOVERNMENT'S MOTION TO CONTINUE

Now comes the United States, by its attorneys, Michael K. Loucks, Acting United States Attorney, and Natashia Tidwell, Assistant U.S. Attorney, and hereby requests that the Court continue the June 15, 2009 trial date in this matter. In support of the motion, the government submits the following:

1. In an Order dated January 29, 2009, the Court required the government to produce to the defendant all of the government's files related to the cooperating witness ("CW") in this case.

2. Upon the government's failure to comply with the Court's order, the Court, in a March 10, 2009 Order, suppressed the CW's testimony.

3. On April 8, 2009, the government filed its Notice of Appeal of the Court's suppression order. Said appeal is pending in the United States Court of Appeals for the First Circuit.

4. Because the First Circuit has retained jurisdiction over critical issues in this matter, the government respectfully requests that the Court continue the trial until a date subsequent to the First Circuit's resolution of these issues.

Respectfully submitted,

MICHAEL K. LOUCKS
United States Attorney

By: /s NATASHIA TIDWELL
NATASHIA TIDWELL
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

_____/s/ Natasha Tidwell

Natasha Tidwell

Assistant United States Attorney

Date: June 8, 2009